

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

SHAWN DRUMGOLD,)	C.A. NO. 04-11193NG
Plaintiff)	
)	
v)	
)	
TIMOTHY CALLAHAN, ET AL.)	
Defendant(s))	
)	

**PLAINTIFF'S RESPONSE TO DEFENDANTS FRANCIS M. ROACHE AND THE CITY
OF BOSTON'S STATEMENT OF UNCONTESTED MATERIAL FACTS IN SUPPORT
OF THEIR MOTION FOR SUMMARY JUDGMENT**

1. Agree.
2. Agree.
3. Agree.
4. Agree.
5. Agree.
6. Agree.
7. Agree.
8. Agree.
9. Agree.
10. Agree.
11. Agree.
12. Agree.
13. Agree.
14. Agree.

15. Agree.
16. Agree.
17. Not agree. The cited statute, M.G.L. ch.38 §4, does not support this material fact.
18. Agree.
19. Agree.
20. Agree.
21. Agree.
22. Agree.
23. Agree.
24. Not agree. Evans would receive a briefing of all the award information concerning special citations before he agreed to award special citation. (Ex C p17)
25. Not agree. The cited testimony does not establish that Roache had any procedure to ensure that if an officer's misconduct arose with regard to testimony in court, it would be brought to his attention. (Plaintiff Material Fact 67.)
26. Agree.
27. Agree.
28. Agree
29. Agree.
30. Agree.
31. Not Agree. (Plaintiff Material Fact 62.)
32. Plaintiff agrees that Mr. Roache so asserted. The assertion was incorrect. (Plaintiff Material Facts 63 and 64.)
33. Agree.

34. Agree.

35. Agree.

36. Agree.

37. Agree.

38. Agree.

39. Agree.

40. Agree.

41. Agree.

42. Agree.

43. Agree.

44. Agree.

45. Agree.

46. Agree.

47. Agree.

48. Agree.

49. Agree.

50. Agree.

51. Agree.

52. Agree.

53. Agree. Plaintiff notes that this is the same school described in ¶45.

54. Agree. Plaintiff further notes that the program was not respected by the officers who took it. (Plaintiff Material Fact 65.)

55. Not agree. The cited testimony does not establish that it was mandatory that such a

course be taken.

56. Agree.

57. Agree.

58. Agree.

59. Agree.

60. Agree.

61. Agree.

62. Agree.

63. Agree.

64. Agree.

65. Agree.

66. Agree.

67. Agree.

68. Agree.

69. Not agree. (Plaintiff Material Fact 75, 76 and 77.)

70. Not agree. (Plaintiff Material Fact 77.)

71. Agree.

72. Not agree. (Plaintiff Material Fact 65.)

73. Agree. But Plaintiff notes that Daley was aware that the officers believed the courses lacked legitimacy and instructors were not respected. (Plaintiff Material Fact 65.)

74. Agree.

75. Agree.

76. Agree.

- 77. Agree.
- 78. Agree.
- 79. Agree.
- 80. Agree.
- 81. Agree.
- 82. Agree.
- 83. Agree.
- 84. Agree.
- 85. Agree.

Respectfully submitted,
By His Attorney,

/s/ Michael Reilly

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